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In re Application of Kevin Derichs
Application No.: 10/529,114
PCT Application No.: PCT/US2004/037446
International Filing Date: 9 November 2004
Priority Date: 14 November 2003
Attorney Docket No.: 25438-P014WOUS
For: SIMPLE MATRIX ADDRESSING IN A
DISPLAY

: NOTIFICATION

This application is before the Office of PCT Legal Administration for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 9 November 2004, applicant filed International Application PCT/US2004/037446 designating the United States and claiming a priority date of 14 November 2003. Accordingly, the 30 month date for paying the basic national fee expires 14 May 2006. 37 CFR 1.495(b).

On 24 March 2005, applicant filed a transmittal letter to the United States Designated/Elected Office concerning submission under 35 U.S.C. 371 for International Application PCT/US2004/037446 accompanied by the basic national fee and a copy of PCT Rule 4.17 declaration filed during the international phase.

On 18 November 2005, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (Form PCT/DO/EO/905) was mailed to the applicant with the requirement to furnish an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date because the current oath or declaration does not comply with the 37 CFR 1.497(a) and (b) since the oath or declaration does not identify the application to which it is directed.

On 1 December 2005, applicant filed a response to the Notification of Missing requirements mailed on 18 November 2005. The response included a copy of the previously filed declaration signed by the inventor, a copy of the notification relating to declaration made under PCT Rule 4.17 issued by the International Bureau of WIPO on 14 March 2005 accepting the

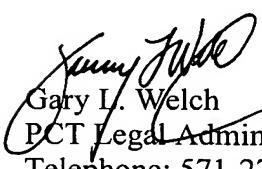
declaration on 11 March 2005, a copy of the Notification of Missing requirements and a postal receipt card.

DISCUSSION

The declaration filed 1 December 2005 in response to the Notification of Missing Requirements which is merely a copy of the previously submitted declaration filed under PCT Rule 4.17 does not identify the application to which it is directed. The required Rule 4.17 declaration was submitted after the filing date of the International Application, PCT/US2004/037446. As such, the declaration was required to identify the application to which it is directed by referring to the PCT application number.

CONCLUSION

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) **within 2 months from the date of mailing of the Notification of Missing Requirements mailed 18 November 2005 or 32 months from the priority date, whichever is later as indicated in such notice.** The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a). Failure to timely provide the required reply will result in ABANDONMENT of the application.



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